

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ANN M. IRWIN**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:17CV140-LG-RHW**

**MOBILE KENNEL CLUB, INC., ET AL.**

**DEFENDANTS**

**ORDER STRIKING MULTIPLE DISPOSITIVE MOTIONS**

THIS CAUSE comes before the Court for consideration of the eight dispositive motions recently filed by Defendants Mobile Kennel Club, Inc. and Mississippi Coast Coliseum Commission, seeking dismissal or judgment on various parts of this case. (See ECF Nos. 154, 156, 158, 160, 162, 164, 166, 168.) The eight motions are accompanied by eighty pages of briefing from the Mississippi Coast Coliseum Commission and fifty-one pages from Mobile Kennel Club, Inc. Pursuant to Local Rule 7(b)(5), a “[m]ovant’s original and rebuttal memorandum briefs together may not exceed a total of thirty-five pages.” In their initial briefings, Defendants have already exceeded the number of pages allowed for their original and rebuttal memorandums together – the Mississippi Coast Coliseum Commission by more than two times. Neither Defendant sought leave of this Court to exceed the page limit set by Local Rule 7(b)(5).

The Court finds that the filings are an attempt to circumvent the page limitations set forth in the local rules. *See Harvey v. Caesars Entm’t Operating Co., Inc.*, No. 2:11CV194-NBB-SAA, 2014 WL 12656553, at \*3 (N.D. Miss. Aug. 22, 2014). Page limits are “circumvented when a party distributes its separate but

related contentions and legal challenges over several dispositive motions, each of which is accompanied by a brief that approaches the . . . page limit.” *Thomas v. Firerock Prod., LLC*, No. 3:13CV109-DMB-JMV, 2014 WL 12541627, at \*1 (N.D. Miss. Oct. 14, 2014) (quoting *Welker Bearing Co. v. PHD, Inc.*, No. 06-13345, 2007 WL 1647878, at \*1 (E.D. Mich. June 4, 2007), citing *Rainbow Nails Enters., Inc. v. Maybelline, Inc.*, 93 F. Supp. 2d 808, 810 n.1 (E.D. Mich. 2000) (noting that filing separate motions addressing only certain counts of the complaint was an effort “to create the illusion of compliance with the Local Rules”)).

“Where a party seeks to circumvent a page-limit by filing multiple dispositive motions, the proper course is to strike the motions and direct the filing of ‘a single consolidated motion and brief in support, combining all . . . arguments in a single filing.’” *Id.* “This practice is justified by the fact that ‘a single filing, even if somewhat over the . . . page limit, is vastly preferable to a profligacy of motions – which . . . invariably triggers multiple responses and replies, supported by escalating rounds of overlapping arguments and duplicative exhibits.’” *Id.* Enforcement of the local rules by striking non-complying filings is a matter within the Court’s discretion. *See United States v. Rios-Espinoza*, 591 F.3d 758, 760 (5th Cir. 2009).

The Court will therefore strike all pending dispositive motions filed by Defendants Mobile Kennel Club, Inc. and Mississippi Coast Coliseum Commission. Each Defendant shall have twenty-one days from the entry of this Order to file one

dispositive motion addressing all grounds for dismissal and/or judgment. The response and reply shall be filed within the time allowed by the Local Rules. If any party believes it is unable to adequately brief the issues within the page limitations of Local Rule 7(b)(5), the party shall seek leave of Court prior to filing memorandum briefs exceeding the limitations.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the dispositive motions filed by Defendants Mobile Kennel Club, Inc. and Mississippi Coast Coliseum Commission – [154], [156], [158], [160], [162], [164], [166], and [168] – are hereby **STRICKEN**.

**IT IS FURTHER ORDERED AND ADJUDGED** that Defendants Mobile Kennel Club, Inc. and Mississippi Coast Coliseum Commission are each granted twenty-one days from the entry of this Order to file one salient dispositive motion and supporting brief.

**SO ORDERED AND ADJUDGED** this the 12<sup>th</sup> day of February, 2019.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE